

# JOURNAL OF THE HOUSE

## NINETIETH SESSION

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THIRTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, March 6, 2015

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Mercy Hobbs, followed by the Pledge of Allegiance led by House page Amanda Pennock.

Roll Call: All members present except Bordeaux, Craig, Feickert, Novstrup, Otten, Rozum, Schoenbeck, and Schrempp who were excused.

### APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-second day and finds that the following correction should be made:

On page 620, line 19, delete "137,".

In the House Journal of the thirty-first day the following correction should be made:

On page 584, line 13, delete "137,".

On page 584, after line 13, insert "Also MR. SPEAKER: The Committee on State Affairs respectfully that it has had under consideration SB 137 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar."

1 All additional errors, typographical or otherwise, are duly marked in the temporary journal  
2 for correction.

3 And we hereby move the adoption of the report.

4 Respectfully submitted,  
5 Dean Wink, Chair

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration  
9 SB 68 and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on State Affairs respectfully reports that it has had under consideration  
12 SB 64 and returns the same with the recommendation that said bill do pass and be placed on the  
13 consent calendar.

14 Also MR. SPEAKER:

15 The Committee on State Affairs respectfully reports that it has had under consideration  
16 SB 69 and returns the same with the recommendation that said bill be amended as follows:

17 69fm

18 On page 12, line 12, of the Senate engrossed bill, delete "that was diagnosed after the  
19 petition filing".

20 On page 12, line 15, delete "by at least" and insert ";".

21 On page 12, delete line 16.

22 On page 12, line 21, after "office," insert "it has been determined that the party candidate's  
23 employment conflicts by law with the duties of the office sought,".

24 69fl

25 On page 3, line 19, of the Senate engrossed bill, after "party" insert "and voters registered  
26 as other".

1 On page 4, line 6, after "party" insert "and voters registered as other".

2 On page 5, line 13, after "affiliation" insert "or voters registered as other".

3 On page 11, line 9, overstrike "January" and insert "December".

4 On page 11, line 9, overstrike "at 8:00 a.m.".

5 On page 13, after line 2, insert:

6 " Section 22. That § 12-1-3 be amended by adding thereto NEW SUBDIVISIONS to read as  
7 follows:

8 "Independent" or "no party affiliation," any voter who writes Independent, I, Ind, the field  
9 is blank, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the Choice  
10 of Party field on the voter registration form;

11 "Other," any voter who writes any other nonrecognized political party in the Choice of Party  
12 field on the voter registration form."

13 69fj

14 On page 1, line 10, of the Senate engrossed bill, delete "last Tuesday of ~~March~~" and insert  
15 "~~last~~ first Tuesday of March".

16 On page 1, line 11, delete "February".

17 On page 1, remove the overstrikes from lines 11 to 13, inclusive.

18 On page 2, delete line 12, and insert "p.m., the ~~last~~ first Tuesday of March prior to the date  
19 of the primary election. If a petition".

20 On page 2, remove the overstrikes from line 13.

21 On page 2, line 13, overstrike "last" and insert "first".

22 On page 2, remove the overstrikes from line 14.

23 On page 2, line 21, delete "sixty-five" and insert "fifty-eight".

24 On page 2, line 24, delete "last Tuesday in ~~March~~ February" and insert "~~last~~ first Tuesday  
25 in March".

26 On page 5, remove the overstrikes from lines 8 and 9.

27 On page 6, line 6, delete "last Tuesday in ~~March~~ February" and insert "~~last~~ first Tuesday  
28 in March".

- 1 On page 6, remove the overstrikes from lines 9 and 10.
- 2 On page 6, line 10, overstrike "last" and insert "first".
- 3 On page 6, line 13, delete "last Tuesday in ~~March~~ February" and insert "last first Tuesday  
4 in March".
- 5 On page 6, line 18, delete "last Tuesday in ~~March~~ February" and insert "last first Tuesday  
6 in March".
- 7 On page 7, line 6, delete "last Tuesday in ~~March~~ February" and insert "last first Tuesday  
8 in March".
- 9 On page 8, delete line 1, and insert "after the last first Tuesday in March at five p.m. If the  
10 request is mailed by registered mail".
- 11 On page 8, remove the overstrikes from line 2.
- 12 On page 8, line 2, overstrike "last" and insert "first".
- 13 On page 8, line 8, delete "last Tuesday in ~~March~~ February" and insert "last first Tuesday  
14 in March".
- 15 On page 8, remove the overstrikes from lines 20 and 21.
- 16 On page 9, remove the overstrikes from lines 10 and 11.
- 17 On page 10, remove the overstrikes from lines 4 to 6, inclusive.
- 18 On page 10, line 5, delete "last Friday in February" and insert "last first Friday in ~~February~~  
19 March".
- 20 On page 10, remove the overstrikes from line 23.
- 21 On page 10, remove the overstrikes from line 24.
- 22 On page 10, line 24, overstrike "last" and insert "first".
- 23 On page 11, remove the overstrikes from line 1.
- 24 On page 11, remove the overstrikes from lines 11 and 12.
- 25 69on
- 26 On the pending amendment, (69fj), delete the page 2, line 21 instruction.
- 27 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 SB 65 and returns the same with the recommendation that said bill be amended as follows:

4 65oa

5 On page 2, line 19, of the Senate Local Government Committee engrossed bill, delete  
6 "nominated" and insert "publicly seeking a nomination".

7 And that as so amended said bill do pass and be placed on the consent calendar.

8 Also MR. SPEAKER:

9 The Committee on State Affairs respectfully reports that it has had under consideration  
10 SB 66 and returns the same with the recommendation that said bill be amended as follows:

11 66sc

12 On page 2, after line 6 of the Senate Local Government Committee engrossed bill, insert:

13 " Section 4. That § 7-1-69 be amended to read as follows:

14 7-1-69. Whenever not less than fifteen percent of the registered voters of any organized  
15 county in this state, based upon the total number of registered voters at the last preceding  
16 general election, shall on or before the first day of July in any general election year, file in the  
17 office of county auditor a petition requesting that the name of ~~such~~ the county be changed and  
18 authorizing the county to appropriate and pay for all local government and state government  
19 costs associated with changing the name of the county, the county auditor shall at the next  
20 regular election, submit to the legal voters of the county on a separate printed ballot the  
21 following question:

22 Shall the name of this county be changed to \_\_\_\_\_ and county funds be  
23 appropriated to pay for all local government and state government costs associated with the  
24 name change?

25  
26 \_\_\_\_ Yes

27 \_\_\_\_ No

28 All voters in favor of changing the name of ~~such~~ the county and paying for all the local  
29 government and state government costs associated with the name change shall place either a  
30 cross or check mark in the square before the word Yes on the ballot. All voters who do not favor  
31 changing the name of such county and paying for all the local government and state government  
32 costs associated with the name change shall place either a cross or check mark in the square  
33 before the word No on the ballot. All local government and state government costs associated

1 with changing the name of the county shall be paid by the county from county funds  
2 appropriated for that purpose before the change of the name of the county shall be effective.".

3 And that as so amended said bill do pass and and be placed on the consent calendar.

4 Also MR. SPEAKER:

5 The Committee on State Affairs respectfully reports that it has had under consideration  
6 SB 67 and returns the same with the recommendation that said bill be amended as follows:

7 67oa

8 On page 1, line 11, of the printed bill, delete "second" and insert "third".

9 And that as so amended said bill do pass and and and be placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on State Affairs respectfully reports that it has had under consideration  
12 SB 135 which was deferred to the 41<sup>st</sup> Legislative Day.

13 Respectfully submitted,  
14 Brian G. Gosch, Chair

15 **MESSAGES FROM THE SENATE**

16 MR. SPEAKER:

17 I have the honor to return herewith HB 1059 and 1179 which have been amended by the  
18 Senate and your concurrence in the amendments is respectfully requested.

19 Also MR. SPEAKER:

20 I have the honor to inform your honorable body that the Senate has concurred in House  
21 amendments to SB 43 and 48.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HB 1021, 1022, 1128, 1176, and 1194 and HJR 1005  
3 which have passed the Senate without change.

4 Respectfully,  
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 HOUSE PAGE RESOLUTION 4 Introduced by: Representatives Anderson; Bartling;  
8 Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden;  
9 Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggar, Don; Harrison; Haugaard; Hawks;  
10 Hawley; Heinemann; Hickey; Holmes; Hunhoff, Jean; Hunt; Jensen, Alex; Johns; Kaiser;  
11 Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;  
12 Novstrup, Al; Otten, Herman; Partridge; Peterson, Kent; Qualm; Rasmussen; Ring; Romkema;  
13 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;  
14 Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wink; Wollmann;  
15 Zikmund.

16 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives  
17 of the Ninetieth Legislature of the State of South Dakota to Kevin Boring, Jessica Brady,  
18 Ally Brandner, Jack Brown, Matthew Darnall, Michael Dupic, Shanda Gill, Zach Johansen,  
19 Jenna Johnson, Cassandra Jones, Shelby Kampmann, Allie Knofczynski, Shale Kramme,  
20 Amanda Pennock, Emily Plumage.

21 WHEREAS, the above named served loyally as pages for the House of Representatives of  
22 the Ninetieth Legislative Session; and

23 WHEREAS, the members of the Ninetieth House of Representatives express their most  
24 sincere appreciation to these young people for their service to the state; and

25 WHEREAS, the members extend to these young people their wishes for every success in  
26 life:

27 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the  
28 Ninetieth Legislature of the State of South Dakota, that a personal copy of this resolution be  
29 duly certified and furnished to each page on this last day of service.

30 Rep. Langer moved that House Page Resolution 4 be adopted.

31 Which motion prevailed and the resolution was adopted.

1 Rep. Heinemann moved that the House do concur in Senate amendments to HB 1080.

2 The question being on Rep. Heinemann's motion that the House do concur in Senate  
3 amendments to HB 1080.

4 And the roll being called:

5 Yeas 61, Nays 1, Excused 8, Absent 0

6 Yeas:

7 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto;  
8 Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks;  
9 Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
10 Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
11 Munsterman; Partridge; Peterson (Kent); Qualm; Ring; Romkema; Rounds; Russell; Schaefer;  
12 Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;  
13 Willadsen; Wollmann; Zikmund; Speaker Wink

14 Nays:

15 Rasmussen

16 Excused:

17 Bordeaux; Craig; Feickert; Novstrup (Al); Otten (Herman); Rozum; Schoenbeck; Schrempp

18 So the motion having received an affirmative vote of a majority of the members-elect, the  
19 Speaker declared the motion carried and the amendments were concurred in.

20 Rep. Gosch moved that the House do concur in Senate amendments to HB 1145.

21 The question being on Rep. Gosch's motion that the House do concur in Senate  
22 amendments to HB 1145.

23 And the roll being called:

24 Yeas 62, Nays 0, Excused 8, Absent 0

25 Yeas:

26 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto;  
27 Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks;  
28 Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
29 Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;  
30 Munsterman; Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;  
31 Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Verchio; Werner;  
32 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

33 Excused:

34 Bordeaux; Craig; Feickert; Novstrup (Al); Otten (Herman); Rozum; Schoenbeck; Schrempp



1 So the motion having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the motion carried and the amendments were concurred in.

3 Rep. Mickelson moved that the House do concur in Senate amendments to HB 1201.

4 The question being on Rep. Mickelson's motion that the House do concur in Senate  
5 amendments to HB 1201.

6 And the roll being called:

7 Yeas 50, Nays 12, Excused 8, Absent 0

8 Yeas:

9 Anderson; Beal; Bolin; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto; Dryden; Duvall;  
10 Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawley; Heinemann (Leslie);  
11 Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Klumb; Langer; Latterell; Marty;  
12 Mickelson; Munsterman; Partridge; Peterson (Kent); Qualm; Romkema; Rounds; Russell;  
13 Schaefer; Schoenfish; Sly; Solum; Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;  
14 Willadsen; Wollmann; Zikmund; Speaker Wink

15 Nays:

16 Bartling; Gibson; Hawks; Hickey; Kaiser; Killer; Kirschman; May; McCleerey; Rasmussen;  
17 Ring; Soli

18 Excused:

19 Bordeaux; Craig; Feickert; Novstrup (Al); Otten (Herman); Rozum; Schoenbeck; Schrempp

20 So the motion having received an affirmative vote of a majority of the members-elect, the  
21 Speaker declared the motion carried and the amendments were concurred in.

## 22 **CONSIDERATION OF REPORTS OF COMMITTEES**

23 Rep. Gosch moved that the report of the Standing Committee on

24 Taxation on SB 180 as found on page 604 of the House Journal; also

25 Taxation on SB 100 as found on page 606 of the House Journal be adopted.

26 Which motion prevailed.

27 There being no objection, the House reverted to Order of Business No. 8.

1                                   **MOTIONS AND RESOLUTIONS**

2           Rep. Gosch moved that SB 125 be referred from the Committee on State Affairs to the  
3 Committee on Education.

4           Which motion prevailed.

5                                   **CONSIDERATION OF REPORTS OF COMMITTEES**

6           Rep. Gosch moved that SB 189 be placed on today's calendar, Friday, March 6, the  
7 33<sup>rd</sup> legislative day, pursuant to Joint Rule 6F-6.

8           The question being on Rep. Gosch's motion that SB 189 be placed on today's calendar,  
9 Friday, March 6, the 33<sup>rd</sup> legislative day, pursuant to Joint Rule 6F-6.

10          And the roll being called:

11          Yeas 31, Nays 31, Excused 8, Absent 0

12          Yeas:

13 Beal; Brunner; Campbell; Conzet; Deutsch; DiSanto; Gosch; Greenfield (Lana); Haggart (Don);  
14 Harrison; Haugaard; Heinemann (Leslie); Hickey; Holmes; Hunt; Kaiser; Klumb; Langer;  
15 Latterell; Marty; May; Qualm; Rounds; Russell; Schaefer; Schoenfish; Stalzer; Verchio; Westra;  
16 Wiik; Wollmann

17          Nays:

18 Anderson; Bartling; Bolin; Cronin; Dryden; Duvall; Gibson; Hawks; Hawley; Hunhoff (Jean);  
19 Jensen (Alex); Johns; Killer; Kirschman; McCleerey; Mickelson; Munsterman; Partridge;  
20 Peterson (Kent); Rasmussen; Ring; Romkema; Sly; Soli; Solum; Stevens; Tulson; Werner;  
21 Willadsen; Zikmund; Speaker Wink

22          Excused:

23 Bordeaux; Craig; Feickert; Novstrup (Al); Otten (Herman); Rozum; Schoenbeck; Schrempp

24          So the motion not having received an affirmative vote of a majority of the members-elect,  
25 the Speaker declared the motion lost.

26          Rep. Gosch announced his intention to reconsider the vote by which SB 189 lost.

1                   **SECOND READING OF CONSENT CALENDAR ITEMS**

2           SB 137: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the term  
3 of the Executive Board of the Legislative Research Council.

4           Was read the second time.

5           The question being "Shall SB 137 pass?"

6           And the roll being called:

7           Yeas 57, Nays 5, Excused 8, Absent 0

8           Yeas:

9 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Cronin; Deutsch; DiSanto;  
10 Dryden; Duvall; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Hawks; Hawley;  
11 Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser;  
12 Killer; Kirschman; Klumb; Langer; May; McCleerey; Mickelson; Munsterman; Partridge;  
13 Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Schaefer; Schoenfish; Sly; Soli; Solum;  
14 Stalzer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
15 Speaker Wink

16          Nays:

17 Haugaard; Latterell; Marty; Rounds; Russell

18          Excused:

19 Bordeaux; Craig; Feickert; Novstrup (Al); Otten (Herman); Rozum; Schoenbeck; Schrempp

20          So the bill having received an affirmative vote of a majority of the members-elect, the  
21 Speaker declared the bill passed and the title was agreed to.

22                   **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

23          Rep. Gosch moved that SB 97, 2, 51, 33, 70, 191, 13, 186, 95, 73, 190, 132, 134, 154, 131,  
24 178, and 179 be deferred to Monday, March 9, the 34<sup>th</sup> legislative day.

25          Which motion prevailed.

26          There being no objection, the House reverted to Order of Business No. 5.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1013, 1027, 1030, 1031, 1042, 1048, 1058, 1064, 1072, 1073, 1079, 1124, 1130, 1139, 1144, 1146, 1148, 1165, 1177, and 1236 were delivered to his Excellency, the Governor, for his approval at 10:55 a.m., March 6, 2015.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1021, 1022, 1050, 1128, 1134, 1176, and 1194 and HJR 1005 and finds the same correctly enrolled.

Respectfully submitted,  
Dean Wink, Chair

**SIGNING OF BILLS**

The Speaker publicly read the title to

HB 1021: FOR AN ACT ENTITLED, An Act to repeal the authorization for the South Dakota School of Mines and Technology research center project and to authorize the South Dakota Building Authority to issue bonds to finance a portion of the maintenance and repair of the South Dakota School of Mines and Technology chemistry/chemical engineering renovation project.

HB 1022: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase improved property in Spearfish and to make an appropriation therefor.

HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain funds, to make revisions to receipts dedicated to the property tax reduction fund, and to create the general revenue replacement fund.

HB 1128: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption interests during sale of homestead or separation of owners.

HB 1134: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the expungement of arrest records.

HB 1176: FOR AN ACT ENTITLED, An Act to authorize a person to be on the general election ballot for president or vice president and another office.

1 HB 1194: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about  
2 zoning changes or conditional use permits.

3 HJR 1005: A JOINT RESOLUTION, Designating Oglala Lakota County as the new name  
4 of Shannon County.

5 SB 25: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to enter into  
6 a lease-purchase agreement to acquire agricultural property in Moody County for the use and  
7 benefit of the South Dakota State University Agricultural Experiment Station.

8 SB 26: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish  
9 the veterinary isolation building on the campus of South Dakota State University and to make  
10 an appropriation therefor.

11 SB 27: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract  
12 for the replacement of the plant science research support facility on the campus of South Dakota  
13 State University and to make an appropriation therefor.

14 SB 58: FOR AN ACT ENTITLED, An Act to revise certain authority, monetary penalties,  
15 and hearing procedures of the South Dakota Commission on Gaming.

16 SB 82: FOR AN ACT ENTITLED, An Act to update outdated language related to domestic  
17 abuse.

18 SB 86: FOR AN ACT ENTITLED, An Act to place a term limit on the office of poet  
19 laureate.

20 SB 110: FOR AN ACT ENTITLED, An Act to revise the authority granted to the Building  
21 Authority and to the Board of Regents to construct an information system building on the  
22 campus of Dakota State University in Madison.

23 SB 124: FOR AN ACT ENTITLED, An Act to revise the requirements for a petition for  
24 a minor boundary change.

25 SB 153: FOR AN ACT ENTITLED, An Act to repeal the South Dakota certified site and  
26 technology park programs.

27 SB 177: FOR AN ACT ENTITLED, An Act to establish a youth minimum wage.

28 SB 182: FOR AN ACT ENTITLED, An Act to revise the rate of interest for late payment  
29 of certain taxes.

30 And signed the same in the presence of the House.

1

**ANNOUNCEMENTS**

2

No member moved to reconsider the vote by which SB 189 was lost.

3

4

Rep. Anderson moved that the House do now adjourn, which motion prevailed and at 1:52 p.m. the House adjourned.

5

Arlene Kvislen, Chief Clerk